

AMENDED IN SENATE APRIL 26, 2011

AMENDED IN SENATE APRIL 5, 2011

**SENATE BILL**

**No. 470**

---

**Introduced by Senator Evans**

February 17, 2011

---

An act to amend ~~Sections 7861.1 and~~ *Section 7863* of the Fish and Game Code, relating to commercial fishing, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 470, as amended, Evans. Commercial fishing: salmon stamp.

(1) Existing law prohibits specified persons from taking salmon for commercial purposes unless the person has a commercial fishing salmon stamp affixed to his or her commercial fishing license. Existing law requires the Department of Fish and Game to issue a commercial fishing salmon stamp, upon application for the stamp and payment of a base fee of \$85. That base fee is required to be adjusted during specified commercial salmon seasons. However, existing law prohibits the total fees, as adjusted, from exceeding \$260. Under existing law, fee revenues are deposited in the Commercial Salmon Stamp Account in the Fish and Game Preservation Fund, and the money in the account is continuously appropriated to the department for new or expanded salmon restoration and enhancement programs in the state that will serve to increase ocean salmon landings. ~~Existing law prohibits the department from charging administrative overhead costs exceeding 3.3% of the annual expenditures from the account.~~ These provisions of existing law are repealed as of January 1, 2012.

~~This bill would decrease that administrative overhead cost limit from 3.3% to 1% of the annual expenditures from the account. The bill would~~

extend the operation of these provisions until January 1, ~~2016~~ 2014. *Because the money in the account is continuously appropriated to the department for new or expanded salmon restoration and enhancement programs, this bill, by extending the operation of these provisions, would make an appropriation.*

(2) Existing law generally makes a violation of fish and game laws a crime.

Because this bill would extend operation of the commercial salmon fishing program and thereby the crimes imposed for a violation of those provisions, the bill would create a state-mandated local program by creating new crimes.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) *This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each house of the Legislature.*

Vote: ~~majority~~  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 7861.1 of the Fish and Game Code is~~  
2     ~~amended to read:~~

3     ~~7861.1. The department shall not charge the Commercial~~  
4     ~~Salmon Stamp Account in the Fish and Game Preservation Fund~~  
5     ~~administrative overhead costs exceeding 1 percent of the annual~~  
6     ~~expenditures from the account. Interest derived from the account~~  
7     ~~shall be deposited in the Fish and Game Preservation Fund to help~~  
8     ~~defray ongoing operational costs of the department.~~

9     ~~SEC. 2.~~

10    ~~SECTION 1.~~ Section 7863 of the Fish and Game Code is  
11    ~~amended to read:~~

12    ~~7863. This article shall remain in effect only until January 1,~~  
13    ~~2016 2014, and as of that date is repealed, unless a later enacted~~

1 statute that is enacted before January 1, ~~2016~~ 2014, deletes or  
2 extends that date.

3 ~~SEC. 3.~~

4 *SEC. 2.* No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 the only costs that may be incurred by a local agency or school  
7 district will be incurred because this act creates a new crime or  
8 infraction, eliminates a crime or infraction, or changes the penalty  
9 for a crime or infraction, within the meaning of Section 17556 of  
10 the Government Code, or changes the definition of a crime within  
11 the meaning of Section 6 of Article XIII B of the California  
12 Constitution.